

and duties of Advocate for the Acquisition of Commercial Products.

EFFECTIVE DATE OF REPEAL

For effective date and applicability of repeal, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of this title.

§ 425. Nonstandard contract clauses

The Federal Acquisition Regulatory Council shall promulgate regulations to discourage the use of a nonstandard contract clause on a repetitive basis. The regulations shall include provisions that—

- (1) clearly define what types of contract clauses are to be treated as nonstandard clauses; and
- (2) require prior approval for the use of a nonstandard clause on a repetitive basis by an official at a level of responsibility above the contracting officer.

(Pub. L. 93-400, §29, as added Pub. L. 103-355, title I, §1093, Oct. 13, 1994, 108 Stat. 3273.)

EFFECTIVE DATE

For effective date and applicability of section, see section 10001 of Pub. L. 103-355, set out as an Effective Date of 1994 Amendment note under section 251 of this title.

§ 426. Federal acquisition computer network (FACNET) architecture

(a) In general

(1) The Administrator shall establish a program for the development and implementation of a Federal acquisition computer network architecture (hereinafter in this section referred to as “FACNET”) that will be Government-wide and provide interoperability among users. The Administrator shall assign a program manager for FACNET and shall provide for overall direction of policy and leadership in the development, coordination, installation, operation, and completion of implementation of FACNET by executive agencies.

(2) In carrying out paragraph (1), the Administrator shall consult with the heads of appropriate Federal agencies with applicable technical and functional expertise, including the Office of Information and Regulatory Affairs, the National Institute of Standards and Technology, the General Services Administration, and the Department of Defense.

(3) Government-wide FACNET capability (as defined in section 426a(b) of this title) shall be implemented not later than January 1, 2000.

(b) Functions of FACNET

The FACNET architecture shall provide for the following functions:

(1) Government functions

Allow executive agencies to do the following electronically:

- (A) Provide widespread public notice of solicitations for contract opportunities issued by an executive agency.
- (B) Receive responses to solicitations and associated requests for information through such system.

(C) Provide public notice of contract awards (including price) through such system.

(D) In cases in which it is practicable, receive questions regarding solicitations through such system.

(E) In cases in which it is practicable, issue orders to be made through such system.

(F) In cases in which it is practicable, make payments to contractors by bank card, electronic funds transfer, or other automated methods.

(G) Archive data relating to each procurement action made using such system.

(2) Private sector user functions

Allow private sector users to do the following electronically:

(A) Access notice of solicitations for contract opportunities issued by an executive agency.

(B) Access and review solicitations issued by an executive agency.

(C) Respond to solicitations issued by the executive agency.

(D) In cases in which it is practicable, receive orders from the executive agency.

(E) Access information on contract awards (including price) made by the executive agency.

(F) In cases in which it is practicable, receive payment by bank card, electronic funds transfer, or other automated means.

(3) General functions

(A) Allow the electronic interchange of procurement information between the private sector and the Federal Government and among Federal agencies.

(B) Employ nationally and internationally recognized data formats that serve to broaden and ease the electronic interchange of data.

(C) Allow convenient and universal user access through any point of entry.

(c) Notice and solicitation regulations

In connection with implementation of the architecture referred to in subsection (a) of this section, the Federal Acquisition Regulatory Council shall ensure that the Federal Acquisition Regulation contains appropriate notice and solicitation provisions applicable to acquisitions conducted through a FACNET capability. The provisions shall specify the required form and content of notices of acquisitions and the minimum periods for notifications of solicitations and for deadlines for the submission of offers under solicitations. Each minimum period specified for a notification of solicitation and each deadline for the submission of offers under a solicitation shall afford potential offerors a reasonable opportunity to respond.

(d) “Architecture” defined

For purposes of this section, the term “architecture” means the conceptual framework that—

- (1) uses a combination of commercial hardware and commercial software to enable contractors to conduct business with the Federal Government by electronic means; and